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Thoughts on irregular and regular immigration in West Africa. What does the future of this area look like?

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Abstract: The irregular circulation of migrants throughout Europe was now a necessary daily occurrence in recent years for the European context as well as for other reasons and with other modes of circulation also from Africa. This paper seeks to analyze regular and irregular migrations in West Africa according to the ECOWAS system and towards the process of sub-regional economic integration. The ECOWAS treaty offered us a mechanism that achieved an ambitious regional economic integration project, revealing an implementation that prefigured a management mechanism for irregular migration. The regulation that operates in the adoption of the ECOWAS treaty, as well as the high rate of migration in the area represent a notable increase in irregular flows that are linked to phenomena of political instability. Of course, they escape the regulatory mechanism that was envisaged both by the treaty and by the additional protocol.

The control of irregular migratory flows has taken on an important value for African countries given the pressures that are exerted by the European Union and are focused on the pathological aspect of migratory phenomenon. The European pressure policies seem to follow an important change in the African countries of the migratory phenomenon which continues to be conceived in the context of a local and regional integration project and an economic development which outlines an ECOWAS system remaining on a path that is not been done.

Keywords: regular and irregular migrations; ECOWAS; ECOWAS vision; MIDWA; IOM; Additional Protocol; migration policies in Africa; economic integration; economic disparity; political conflicts; European legislation; migratory flows.

Introduction

The migration phenomenon in the African context has had a complex, long and very old history based on economic, cultural and above all religious phenomena and factors. West Africa still continues to represent an area that records a high rate of internal

migration estimated to be approximately ten times higher than the outward migratory flow. The traditional flows of migrant workers are framed starting from the ECOWAS founding treaty to a system of rules with different modalities and a cyclical nature where the flows of irregular migrants and refugees come from situations of conflict and serious national political instability.

The objective of regional, local economic integration reflected the need of the states in the area which outlines a regulatory system that is capable of systematising the phenomenon of cyclical and seasonal migrations which came from local customs and hindered by a combination of factors. On the one hand, the economic crises affecting the countries in the Nigeria area which represented the major poles of attraction for migrant workers coming from the surrounding areas. The poor level of implementation and relative application control of the rules in the ECOWAS system (treaty and additional protocol) by the states and the diffusion and rooting of terrorist cells of Islamic and Al-Qaeda origin have made border control and contributed to the fueling of irregular trafficking of migrants as a phenomenon that

interferes with the functioning of the rules of the ECOWAS treaty and the additional protocol (Teye, 2022).

In reality, the ECOWAS treaty showed and designed a mechanism that achieved a regional economic integration plan that was difficult to implement, highlighting the issue of freedom of movement and migration as irregular which are inevitably intersected. The ECOWAS treaty and the additional protocol have created a plan of economic integration which has prefigured a mechanism for managing irregular migrations which persist in real data and which represent a rate of migrations in the area which remains higher than external migrations as well as the notable increase of irregular flows which are linked to phenomena of political instability always based on a mechanism envisaged between the protocol and the treaty.

Freedom of movement has thought of a regulation of internal migratory flows as a phenomenon to the trafficking of illegal migrants which enters the political agenda of the EU and which has followed a different and at the same time specific perspective for African countries in the system of ECOWAS. The pressures exerted by the Union are focused on the pathological aspect of a

migratory phenomenon without an external change of direction capable of structurally modifying the approach of African countries to the migratory phenomenon in a general way and which continues in a context of regional integration and to economic development which outlines a system profoundly designed by the ECOWAS treaty.

Political instability and migratory conflicts in West Africa

The trend of regional mobility in West Africa is, we repeat, an ancient phenomenon which we can often say is part of the habits of the populations in the area which are traditionally originated by work and economic motivations as the main causes of movement. Some regional flows were linked to an agricultural and pastoral economy induced by the strong urbanization of coastal areas. Migratory movements are favored by the widespread perception of communities, ethnic groups that are spread across the territory of different states where the division of members of the artificial group of regional movements have had their basis within the socio-cultural space between two distinct political and also national entities (Charrière, Frèsia, 2008; Yaro,

Westh Olsen, 2011; Adeniran, 2014; ICMPD, IOM, 2015).

The migratory flows were also based on controversies and on governmental political instability in states which identified the migratory flows in the presence of foreign workers as an element of processes, of economic development in the subsequent phase of independence in the countries of the area thanks to the extractive activities in the production of raw materials to an agricultural sector that they have experimented with cocoa and natural rubber in the phases of economic and survival development (Adeniran, 2014). This type of trend has not diminished but has transformed in connection with a series of factors that have intervened over the years and characterized political and economic dynamics in the West African area. This area of the continent was involved in a vast migratory movement directed towards Europe and to a sub-region of Africa where much of the migratory movement until today was of an internal nature¹.

Migration flows, whether historical or not, linked or not to economic factors, also had a forced character, originating from

¹UNDESA International Migration 2019. IOM, World Migration Report 2020, spec. pp. 64-66.

the numerous conflicts that have affected the area since the 1970s, for example in Biafra 1967-1970, in Guinea Bissau 1963-1973 and on the border between Mauritania and Senegal in 1989. A phenomenon of significant dimensions in the 1990s and 2000s going forward to a decade of bloody conflicts in Liberia, Sierra Leone and as a consequence of the Tuareg conflict between Niger and Mali as well as the coups in Guinea Bissau and Ivory Coast which led to the vast interregional movement of refugees (Marc, Verjee, Mogaka, 2015). The continuous spread of low intensity armed conflicts in the area has fueled migratory and irregular flows which are uncontrolled, contributing to the spread and rooting of Islamic extremism of jihadist and Al-Qaeda origin in West Africa (Gow, Olonisakin, Dijxhoorn, (eds.), 2013; Sulemana, 2015; Fafore, 2019; Trèmolières, Walther, Radil, 2020).

Of course, political instability is always an important factor for immigration of all kinds and dates back especially to September 2001. Some groups such as: Boko Haram in Nigeria, Al Qaeda in the Islamic Maghreb (AQIM) and Ansar Dine in Mali were responsible for internal conflicts of a violent nature with central

governments as well as widespread violence against civilians especially women and children (Ogbogu, 2015; Afoaku, 2017; Isike, 2018; Fafore, 2019; Bukarti, 2021; Federation of American Scientists. 2021)² thus creating an internal and transnational security zone that has led to a change in the typology of conflicts that appear different from those that characterized the post-colonial and post-cold war periods.

The relationship between internal conflicts and the general political instability of migratory flows is complex and takes on various nuances. Many times the data is certain and appears debated. The existence of the link between return migrations, internal conflicts and political instability laid the foundations for

²We remember the case of Mali especially in the area where the jihadist groups provided their support and influence to the Tuareg insurrectionary movement especially since 2012 after the coup d'état which occurred a few months earlier, assuming relative control from the northern part of the country and declaring the independence of Azawad. In the subsequent phases of the conflict, military intervention after the request from the president of Mali regarding the troops of the French army, i.e. we remember the Serval and Barkhane operations with the support of ECOWAS in the European Union as well as in 2015 by the UN of Operation MINUSMA as a peace operation in the area and beyond. The relative link between the Tuareg insurrectional movement and the jihadist extremist groups also proved in 2017 the Al-Qaeda fringe (AQIM) to create local sub-groups and to formulate the "Union for Supporting Islam and Muslims" under the command of the Malian Tuareg.

the fall of Gaddafi in Libya which led to the return of thousands of poor migrant workers to some states in the area and especially to Niger and Mali. The link between internal conflicts, the spread of violence, especially of a terrorist nature, and migratory flows have called into question the cause-effect link between two phenomena in a systematic and inevitable manner. The numbers are high (UNHCR, 2018) and underline a connection which is doubtful in the case of Central African countries for countries in the western area of the African continent.

Political instability has generated an extremism that has contributed to an environment favorable to the development of illicit trafficking which includes that of irregular migrants. The borders and the absence of real control of the territory by the states in the area have helped the proliferation of illicit trafficking, especially weapons, drugs, trafficking of people and migrants in the Sahel routes (Adam, Trauner, Jegen, Roos, 2020). The question of the direct involvement of Islamic extremist groups in the phenomenon of migrant trafficking is controversial. The phenomenon of kidnappings of people is negative and causes damage to women and children as well as tourists and Western

aid workers which is attributable to extremist groups given that these groups are involved in the trafficking of illegal migrants who raise doubts. The existence of this link states that this link appears more tenuous and identifies the fact that it respects activities such as drug and weapons trafficking and the trafficking of illegal migrants who have no income.

The involvement of terrorist groups in the trafficking of illegal migrants remains tolerating the phenomenon of occurrence which benefits from and uses trafficking networks and resources, especially from men and by various means (Lounnas, 2018). It does not seem to be causal that trafficking networks are organized on an ethnic basis involving individuals of Arab and Tuareg ethnicity who belong to ethnic groups as part of the components of terrorist groups (Tinti, Westcott, 2016).

ECOWAS and freedom of movement of migratory flows

Irregular migrations based on traditional migratory movements in West Africa can be linked to the approach of the EU and to a phenomenon that has had important dimensions and which concerns some countries that are part of ECOWAS in the

territory that crosses the migrant routes which pass mainly in the Sahel area. Traditional and cyclical migrations have characterized the migratory dynamics on the African continent and which inspire the definition of a specific system of rules based on the ECOWAS founding treaty.

A treaty that began in 1975 during the birth of a sub-regional organization with an economic vocation and as an objective of the participating states which established an advanced cooperation mechanism according to the principles and objectives of the economic commission of the UN especially since the sixties and promoted the institution that represented the economic development in the area as a tool of consolidation that supports in a transnational way and characterized the area of a colonial legacy that is shared by the states in the region³.

The objectives are shown through Art. 3 of the treaty and focus:

“(...) on the establishment of an economic union and the creation of a single market in West Africa, to be achieved

³We note the presence of members of the same ethnic group who are found on the territory of various states which are different such as for example the Hausa in Niger and Nigeria, the Fulani who are found in various states of sub-Saharan Africa, the Yoruba in Nigeria, Benin, Togo and Sierra Leone which are part of the majority as well as the transnational diffusion of the language and religion which is mostly Islamic.

through the harmonization and coordination of national policies in a series of sectors (...) alongside the creation of the customs union, is the elimination of obstacles to the free movement of people, services and capital, as well as the affirmation of the right to freedom of establishment and residence in the states party to the system (...)."

According to Art. 27 of the Treaty regarding the attribution to citizens of the State Parties of a status of "citizen of the community". Art. 59 which, in conjunction with art. 27 state that:

"(...) the states parties have the obligation to guarantee the right of entry, residence and establishment to citizens of other state party".

They have represented the starting point for the further definition of the regulatory system aimed at guaranteeing full freedom of movement. They maintain both the right of Member States to place restrictions on the freedom of citizens of other states to establish residence on their territory, and the right to adopt, where deemed necessary, expulsion measures against citizens of other Member States.

A few years later in 1979 the additional protocol relating to freedom of movement, residence and establishment was also adopted. In particular, the protocol states: "(...) a discipline structured into various aspects relating to freedom of movement and establishment". To this end provided that within a period of

15 years from entry into force, the states parties would have to take steps to implement, in three phases, the provisions of the Treaty aimed at guaranteeing respectively the full recognition of the right of entry (and consequent obligation to abolish visas) in the territory of the states parties, of the right of residence and of the right of establishment, as well as the activity of the states in the phases of implementation of the rules⁴.

Two further additional Protocols have contributed to a code of conduct relating to the implementation of the Protocol:

“(...) as well as to rules specifically dedicated to the implementation of the provisions on freedom of residence and on the implementation of the third phase (...)”⁵.

⁴Please remember that the protocol according to art. 4: “(...) provided for possible limitations to the right to freedom of movement: the latter, in fact, recognized the states parties the right to prohibit entry to citizens of other states who, pursuant to their own internal legislation, fell into the category of so-called “inadmissible migrants” (...)”.

⁵See in particular: Supplementary Protocol on the Code of Conduct for the implementation of the Protocol on Free Movement, Right of Residence and Establishment, A/SP.1/7/85, 1985. Supplementary Protocol on the second phase (Right of Residence) of the Protocol on Free Movement, Right of Residence and Establishment, A/SP.1/7/86, 1986. Supplementary Protocol amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment, A/SP.1/6/89, 1989. Supplementary Protocol on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement, Right of Residence and

Until the 2000s we deal with some important innovations in the immigration sector such as: a standard travel document model (Decision A/DEC.2/7/85 of 1985) and a standardized format for immigration and emigration (Decision C/DEC.3/12/92 of 1992) continuing with the recognition of the right to remain on the territory of the States Parties for 90 days (2000) and finally the ECOWAS passport (2000).

The relevant regulations are designed to simultaneously decrease and increase cross-border worker mobility and strengthen the regional integration mechanism. The goal was a common market at the regional level and rules that guarantee the free movement of people, such as rules at the regional level that guarantee the free movement of people as complementary and creating a single market with direct rules that guarantee the free movement of goods and defining the contents and objectives of a series of policies such as agricultural and industrial which work towards the final objective which is the protection of human life and immigrants. In the early years (1980-1985), the protocol resulted

Establishment, A/SP.2/5/90, 1990.

in the abolition of entry visas as well as the permanence of citizens in the states of the area for a period of ninety days. Private individuals were allowed to cross borders and stay in a state for a period of ninety days while for commercial companies the period was limited to fifteen days.

Thus, a system was adopted for the citizens of the states in the area to remain in the territory of other states which admit for a period of ninety days private vehicles which are admitted to the borders and to stay in another state for ninety days while commercial vehicles for a fifteen day period. Thus we can speak for an insurance coverage system for a cross-border transport system, similar to the so-called brown card (Okom, Edem, 2012; Iglesias Sanchez, 2015). A second phase that was designed by the protocol was related to freedom of residence which was implemented in the following years while the third and final was related to freedom of residence which was not implemented.

The application and compliance with the rules are faced with various types of difficulties. Already since the 1980s and after, it has been noted that some states have resorted to measures of

mass expulsion of citizens and other states in the area as well as the closure of borders with neighboring states which were in conflict with the ECOWAS treaty and the protocol of 1979 (Adepoju, 2015). One case was that of Niger (Fashoyin, 1990)⁶ with an analogical approach that was adopted in various phases as well as countries in the area of Sierra Leone, Liberia, Ghana, Senegal, Ivory Coast and Benin (Adepoju, Boulton, Levin, 2007)⁷.

⁶Nigeria took action in Nigeria and decreed the expulsion of hundreds of thousands of foreign workers who were mostly from Ghana, Cameroon and Burkina Faso, especially without documents, i.e. irregular between 1992 and 1985. especially after the negative economic situation and crisis that hit the country, the economic boom in Nigeria and the related massive oil exports did not generate a broader development process. The economy continued to be dependent and based only on the oil sector. The implementation of direct economic policies and the limitation of import dependence as well as the lack of development of the manufacturing sector turned out to be dependent on imports which generated a condition of structural weakness in the internal economy which was suitable for reacting to oil shocks that followed in time. As a consequence, the interventions of the World Bank and the IMF of the related structural adjustment plans and a series of restrictions that had affected the market and were based on the choices made by the Nigerian government in the matter of migration.

⁷We remember some important data: Sierra Leone which expelled people who were part of the Fulani ethnic group. Ghana which has closed its borders with Togo since 1982. Liberia which in 1983 took expulsion measures against foreign citizens. Ivory Coast which expelled more than

The protocols of 1985 and 1986 were related to freedom of movement, establishment and the implementation of a concrete application which requires the adoption by Member States of a series of measures guaranteeing equal treatment in matters of access to work and exercise of professions, social security, access to health services and the education and professional training system⁸.

The attempt between states in the area which resort to measures, restrictions on the flows of workers who come from other ECOWAS states are precluded from access for foreign workers and to jobs, thus creating a negative climate on the effective functioning of the protocol system contributing a crisis that has called into question the very foundations of the system. The negative impact of the adoption of the ECOWAS treaty and the

10,000 citizens in 1985 from Ghana. Senegal which expelled 500,000 citizens from Mauritania in 1990. Nigeria which closed its borders with Benin from 1996 until 2000. These initiatives were in conflict with the rules on expulsion which were contained in the protocol of 1979 and especially in art. 11. The Additional Protocol of 1986, art. 13 which banned mass expulsions in the Protocol of 1985, art. 3 which prioritized compliance with ad hoc procedural rules in the case of expulsion. Rules that are formulated taking into consideration the fact that expulsion measures are addressed like the individual citizen of another state.

⁸See in particular Art. 23 of the 1986 Protocol.

protocols are posed to the conflict with the rules they contain and which have represented an obstacle to the implementation of compliance and the regulatory framework outlined.

The spread of arbitrary and illicit practices is related to the presence of numerous checkpoints on the main international communication routes, thus providing for the suppression, as a phenomenon of corruption in the management of border crossings by those in charge of control, of the practice consisting in sums of money that allow border crossings especially by those who do not possess the necessary documents and which facilitate the passage of people who do not have documents and who tend to circulate to various states and impose payments of sums of money for the issuance of the relevant documentation as required by the protocol. The regulatory data and reference practices have over time hindered and made problematic the implementation of the design which was conceived from 1975 to 1979.

The initial objectives explain that since 1993 the founding treaty of ECOWAS has been negotiated as well as the content of the obligations relating to the removal of obstacles having to do with the free movement of people, reiterating that since 2000 the mini

summit of heads of state and of government that are made in Abuja trying to give way to processes of implementation of the rules on freedom of movement creating a negative impact of the lack of implementation which has achieved economic development in the area (Ogunkola, 1998)⁹ by adopting decisions through a series of suitable measures that make the freedom of movement of goods effective, checkpoints on international motorways and border control which has exclusively entrusted real immigration officials who speed up passport control procedures. The strong institutional system of a compact and consistent structure in the ECOWAS decision making power sector - compared by comparable organizations that are active in the African continent (Dick, Schraven, 2018) in a continuous manner where the complex regulatory framework is designed to guarantee the free movement, freedom of establishment and as

⁹The related practice called for the extortion of payments that were not due to guarantee the relative passage of people and goods at the borders as well as the presence of control posts that were located along the border lines, resulting in a serious situation of expenses that they were oriented towards transport, towards lengthening travel times, and the costs which weighed on the final consumer. The streamlining of procedures that crossed borders reduced costs and clearly translated the increase in traffic and the improvement in competition.

the final objective of creating a regular system of “migration” of workers, has not been fully implemented. The reasons are partly, as has been noted, attributable to the individual ECOWAS member states, connected to further factors of an especially political nature which by creating a sort of “welding” between the theme of achieving the objectives of the ECOWAS treaty and the theme of migration, especially irregular migration, have contributed and contribute to make the pursuit of those same objectives even more complex, worsening the weight of the negative economic repercussions resulting from the failure to implement the economic integration plan.

Control of irregular migrations and the ECOWAS system

The ECOWAS treaty and additional protocols have created a system of regional economic integration. A system of rules that was foreseen and appears dedicated to the regulation of the migratory phenomenon. The objectives set by the treaty aim to produce the advantages that can be linked to the creation of areas of economic integration as a mediated effect of the regular flows of migrant workers and as noted within the system of rules to a

system of cyclical and regional migrations perhaps for a certain period of time as a system that has been valid for many years in West Africa.

The migratory phenomenon has absorbed the freedom of movement and has acquired an autonomous dimension of the pressure it exerts in the EU and which affects the management and control mechanisms of irregular migratory flows, connected with the methods that highlight the problem of political instability that characterizes the area of West Africa. Irregular migratory flows and illicit trafficking have developed on the African continent in recent years, giving rise to the problem that has been at the center of a political debate within the EU which has contrasted irregular migration as the object of a debated policy of externalization of borders (Frelick, Kysel, Podkul, 2016)¹⁰. Irregular migratory flows have shown that traditional

¹⁰During the years of the crisis of 2015-2016 the EU followed the path of the policy of externalization of external borders. The negative impact was debated and found against reception and asylum policies as well as human rights violations that are committed against migrants and in third countries that are involved in trafficking control, the strengthening of external borders to a system of surveillance and contrast with irregular flows and on agreements with third countries where the territory has found the origin of irregular flows especially from Chad, Niger and Libya.

migrations are connected with the free movement of migrant workers and regulated by the system of the ECOWAS.

This pathological aspect of the migratory phenomenon tends towards a physiological one that derives from the states in the ECOWAS system despite the fact that the theme of migration has a certain number which includes some important objectives that date back to the 2000s according to the ECOWAS system and the so-called Migration Dialogue for West Africa (MIDWA). Thus an in communes approach was adopted which contributed to the increase in pressure which was unsuccessfully noted by the EU. The equalization of the problem of irregular migratory flows coming from the African area and the problem of international security, despite the attempt to be identified by ECOWAS as a natural interlocutor, remains in doubt and constantly evolving (Castillejo, 2019).

The MIDWA initiative serves to create the IOM as a regional platform for discussing the issues of irregular migration and refugee flows. Within this context, the issues of irregular migration and migrant flows are discussed. Since 2007, heads of state and government in the “ECOWAS vision 2020” and, in

2008, in the ECOWAS Common Approach on Migration have laid the foundations for following decisive paths in the migration sector with a dynamic and decisive perspective following European paths.

The ECOWAS vision 2020, as a programmatic document, is placed in the Tripoli declaration on migration and development and was adopted within the circle of the EU and by the African Union in 2006¹¹ as a program of one:

“(...) borderless, peaceful, prosperous, and cohesive region, built on good governance and where people can access and harness its enormous resources through the creation of opportunities for sustainable development and environmental preservation (...)”¹².

¹¹In particular, the Tripoli Declaration was adopted during the third summit of the Heads of States and Governments of the European Union and the African Union which was held in Tripoli in November 2006. The declaration in particular: “(...) promotes a “holistic” approach to the problem of migration and, by identifying the link between migration and development, indicates the creation of an effective system of regional cooperation and integration as the main tool for supporting development: from a “circumstantial” perspective, so to speak, on the one hand the need to regulate migratory flows is identified as a tool capable of encouraging the development of the entire region and on the other hand economic development is considered as an objective to be pursued as a tool that allows us to address the root the phenomenon of migratory flows, especially irregular ones (...)”. For the related text see: <https://www.refworld.org/docid/47fdfb010.html>

¹²ECOWAS Vision 2020. Towards a Democratic and Prosperous

A project now on the road to realization, ambitious which reaches 2020 to give basis to the idea of an area which is free of borders and which is concentrated on the countries of the area which continues to assume freedom of movement and residence and in the strengthening of the process of implementation of the 1979 Protocol.

The Common approach on Migration which has been adopted by the Heads of States and Governments of ECOWAS since 2008 has laid the foundations for the development of regular migratory flows as an element of propulsion of the economy of the countries of origin of migrants and of the host countries which reaffirms the commitment of the ECOWAS and the Member States to work towards the realization of the objectives which are proposed by the ECOWAS and of the Member States which move towards the realization of the objectives of the Establishing Treaty and the Protocol as the only instrumental body, suitable for pursuing the objectives of regional integration and reducing the migration phenomenon towards external routes¹³. The

Community, June 2010: http://araa.org/sites/default/files/media/ECOWAS-VISION-2020_0.pdf

13<https://www.unhcr.org/49e47c8f11.pdf>.

identification of these objectives and the fight against the trafficking of illegal migrants and human beings appears as a center of interests between African countries in the European Union area. The identification of the regulatory framework refers to a series of international conventions which are relevant in the matter to the member countries of the ECOWAS which assume obligations of ratification and participation¹⁴.

The reasons for friction between the real needs of African countries and of the EU on the other hand identify a structural difficulty of African countries in conceiving the migratory problem in terms of management, control and flows, taking into consideration the economic value of the countries that assume immigrants as well as positions that appear distant from a conceptual point of view (World Bank, 2018)¹⁵. The traditional approach of the ECOWAS countries and the organization itself

¹⁴Mentioned among the United Nations Convention on the Rights of Migrant Workers, the Refugee Convention and the Additional Protocol as well as the OAU Convention of 1969 on the Status of Refugees.

¹⁵According to the World Bank: “(...) in 2018 Nigeria received around 25 billion dollars in remittances, that is, an amount that is four times higher than the amount of foreign investments combined with development aid. For countries like Liberia or Gambia, remittances from immigrants constitute a significant component of the GDP (in the case of Liberia 27%; of Gambia 21%; of Senegal 14%) (...)”.

towards migratory flows are internal movements of the ECOWAS itself which are rooted in the habits of local populations and managed through a system of rules that regulate the movement of people. The Union's approach to a phenomenon predominantly in the pathological dimension respects the need for elaboration and control policies, containment on the performance of the African countries in the area, in the adoption of a series of measures which are direct and which stiffen the control and management of movements across borders¹⁶. The measures that African countries must adopt in time and also follow the bilateral agreements that are concluded with the EU impose priorities on African countries with the result that the realization of the objectives of the treaty of ECOWAS, the needs that are connected with free movement also adding the general theme of outward migration which places a secondary position that respects and defines interventions aimed at combating the phenomenon of illegal immigration. These interventions are

¹⁶According to the European Union Trust Fund for Africa: “(...) to be largely allocated in favour of enhanced border controls and other security measures, including capacity building and equipment for law-enforcement agencies, thereby targeting more immediate consequences rather than the root causes of migration (...)”.

suitable for repercussions on traditional flows and movements such as the free movement of people which regulates the highlighted limits as well as the rules of the ECOWAS treaty and the Additional Protocol (Pastore, Roman, 2020; Bisong, 2021)¹⁷.

The approach of the African countries and of the Union serves to explain that the African countries within the circle of the MIDWA continue the management of the migratory phenomenon towards a correct regulation of migratory flows and the

¹⁷In particular, the European Union: “(...) gave top priority to some interventions such as the financial support provided to Niger to guarantee the application of the “anti-smuggling law” (law no. 36 of 2015) which provides for the criminalization of the behavior consisting in crossing the border by those who are not in possession of valid identification documents, including seasonal workers, who traditionally go to the United States at certain periods of the year for harvest-related reasons neighboring (...) of readmission is very problematic: readmitting one's own citizens, often with large-scale operations, can have very significant economic and social repercussions for the State: this explains the fact that, for example, Mali denounced the agreement concluded with the European Union in 2016, as well as the fact that Nigeria has adopted some initiatives aimed at defining the lines of its policy on migration which then have not found effective application (...) the data relating to readmission, it is clear that the number of readmitted immigrants coming from other African countries is much higher than that of returning immigrants coming from European countries, just as the numerical data speak of a number of migrants who have received expatriation orders which remains lower than that of migrants who actually returned to their countries of origin (...)”. European and African perspectives on asylum and migration policy: Seeking common ground, MEDAM assessment Report 2020, Kiel, 2020, 34ss.

management of the causes that are original¹⁸. Many European countries continue their attempts to control and limit all costs of the phenomenon of irregular migration. The attempts and paths of African countries are registered with the IOM, thus following monitoring paths such as for example the work carried out by the IOM Office for Niger since 2015 in relation to irregular migrations between West Africa, Mediterranean and Europe, thus dealing with the issue of the drivers of irregular migrations, the need to incentivize the adoption of direct interventions that improve the economic conditions in the countries in the area, the labor market assessment measures thus placing the demand and supply of labor within a general framework that provides for an adaptation of internal legislation that respects the provisions of the ECOWAS treaty and the related protocol. The concept that freedom of movement and the implementation of the treaty and the related protocol still continue to be instruments of economic propulsion for the West African States, even of a gradual nature,

¹⁸Migration Dialogue for Western Africa (MIDWA) Expert Meeting, The Impact of Free Movement and the Challenges of Migration, Abidjan, August 23-25, 2016: <C:/Users/Admin/Documents/Migrations-West%20Africa/MIDWA-2016-Ministerial-and-Experts-Meeting-C>

as causes of the factors that give rise to the migratory phenomenon and the migration phenomenon irregular. An infinite and constantly evolving challenge for the coming years.

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